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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Letter dated 19 February 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

I have the honour to transmit herewith a letter dated 18 February 2002 addressed to you by His Excellency Mr. Tahsin Ertuğruloğlu, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus.

I would appreciate it if you would have the text of the enclosed letter* circulated as an official document of the Fifty-eighth session of the Commission on Human Rights under item 6 of the provisional agenda.

Signed: Ugur DOGAN
Minister Counsellor
Chargé d'affaires

* Reproduced as received, in the original language only.

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Annex

TURKISH REPUBLIC OF NORTHERN CYPRUS
MINISTRY OF FOREIGN AFFAIRS AND DEFENCE
(Lefkoşa, via Mersin-10, Turkey)

18 February 2002

Madam High Commissioner,

I would like to refer to the letter dated 29 August 2001 addressed to you by the Greek Cypriot representative at the United Nations Office in Geneva, which has been circulated as a document of the Commission of Human Rights at the 58th Session under agenda item 6, entitled "Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination" (E/CN.4/2002/123 dated 29 November 2001). In view of the allegations contained in the letter and its annex (Decision 1 (59) on Cyprus adopted by the Committee on the Elimination of Racial Discrimination at its fifty-ninth Session in Geneva on 10 August 2001), I deem it necessary to bring to your kind attention the following:

At the outset, I would like to stress that the Greek Cypriot administration of Southern Cyprus is not the government of the "Republic of Cyprus" as established under the 1960 international agreements with the consent of the two politically equal co-founder partners, the Turkish Cypriot and the Greek Cypriot peoples, and that the legitimacy of the 1960 partnership Republic lay in the joint presence and effective participation of both sides in all organs of the state.

H.E. Mrs. Mary Robinson
High Commissioner,
Commission on Human Rights,
Geneva.

Since the deliberate destruction, in 1963, of the bi-national Republic and the ejection of all Turkish Cypriot elements from the bi-national partnership Government of Cyprus, there has not been a single constitutional government capable of representing both peoples of the island. What have existed, instead, are two separate administrations that have evolved into two sovereign, independent states, one belonging to the Turkish Cypriots and the other to the Greek Cypriots.

The Greek Cypriot administration of Southern Cyprus represents only the Greek Cypriot people, and the said administration, under the pretentious and usurped title of the "Government of Cyprus", has neither the legal or moral right nor the jurisdiction to represent or act on behalf of the Turkish Cypriot people who have their own democratically elected Government and representatives. It is ironic that the Greek Cypriot administration is allowed to represent the "Republic of Cyprus" and submit reports on behalf of the whole of Cyprus to the Committee on the Elimination of Racial Discrimination (CERD), when this purported representation itself amounts to discrimination against the Turkish Cypriot people as it constitutes a flagrant violation of the political and co-founder partnership rights of the Turkish Cypriots.

As for the allegations in the above-mentioned letter and its annex, concerning the military presence of Turkey, I wish to underline that there is no "foreign occupation of Cyprus" but a lawful presence based on international treaties. Turkey intervened in Cyprus in accordance with her rights and obligations under the 1960 Treaty of Guarantee and the Turkish forces are in Cyprus with the full consent of the Turkish Cypriot people who, by exercising their inherent right to self-determination, established the Turkish Republic of Northern Cyprus (TRNC) in November 1983, twenty years after having been left stateless by the Greek Cypriots. The only occupation in Cyprus is the 39 year-old occupation of the seat of government and exploitation of the usurped title of the "Government of Cyprus" by the Greek Cypriots which has been the main obstacle in the way of reaching an agreement between the two sides in Cyprus.

The presence of the Turkish forces in Northern Cyprus, particularly in the absence of a comprehensive agreement, is a vital security requirement for the Turkish Cypriot people. It serves as a deterrent against the repetition of Greek-Greek Cypriot aggression against the Turkish Cypriots as occurred during the 1963-74 period, which is well documented in the relevant reports of the UN Secretary-General as well as those of the international news media. I would, furthermore, like to draw your attention to the fact that there has been no bloodshed on the island ever since the arrival of the Turkish troops and Turkish Cypriots have since found security and been able to live normal lives after eleven years of oppression and persecution by Greek Cypriots.

With regard to the allegations that "the Government of Cyprus continues to be prevented from implementing the Convention" in North Cyprus, I would like to stress, once again, that with a mandate expressing the unanimous will of the Turkish Cypriot people and an effectively functioning government, the TRNC exercises full and exclusive jurisdiction and sovereignty over its whole population and territory. The Turkish Cypriot authorities are fully competent to safeguard the implementation of the universal human rights and freedoms in the TRNC and I believe the following quotes from the successive reports of the US State Department that there is a "**strong regard for democratic principles**" in North Cyprus and that "**the Turkish Cypriot authorities respect human rights, norms and practices**", speak for themselves.

It should be noted in reference to the enjoyment of the "rights to freedom of movement and residence and to own property", that these are matters inextricably linked to the core aspects of the Cyprus issue. The Committee taking into consideration only the Greek Cypriot side's views and in isolation of the long history of the UN negotiating process, adopted Decision 1(59), which if implemented, would be tantamount to the negation of the agreed principle of bi-zonality, that has now assumed a two State nature, and would thus facilitate the attempts of the Greek Cypriot side to pre-empt the substance of a possible agreement, prejudicing the ability of the two parties to engage in free negotiations over core aspects of the Cyprus issue.

With its said Decision, the CERD is deliberately ignoring the fact that the two sides in Cyprus are separated since 1974 by a ceasefire agreement under the auspices of the UN. Furthermore, the decision auspiciously disregards the fact that a buffer zone has been established between the respective territories of the TRNC and the Greek Cypriot administration by the relevant UN Security Council resolutions, a zone under the control and authority of United Nations Force in Cyprus (UNFICYP).

The said Decision further disregards the reality that the voluntary regrouping of the Turkish Cypriot and the Greek Cypriot populations under the voluntary Exchange of Populations Agreement in 1975 took place upon the consent of both sides with the assistance of the UN. As a result, Turkish Cypriots in the south moved to the north and Greek Cypriots in the north moved to the south, with the exception of some 300 Turkish Cypriots who opted to remain in South Cyprus and some 400 Greek Cypriots who currently remain in the TRNC.

Efforts aimed at reconciliation and rapprochement of the two peoples of the island are hampered by the continuing inhuman embargoes and measures of isolation imposed on the people of the Turkish Republic of Northern Cyprus by an administration which the international community allows to carry the hijacked title of the "Government of Cyprus". These inhuman embargoes, which are directed against the Turkish Cypriot people solely on the basis of their ethnic origin, range from prohibitions put on the simplest forms of transaction of the Turkish Cypriot people with the outside world, to the most fundamental issues such as representation in international fora. These inhuman and totally unjustified measures, many of which date back to 1963 and, therefore, have a 39-year-old history, have taken their toll not only on the economic, social, cultural and political life of the Turkish Cypriot people, but also on the relationship between the two peoples, which has naturally deteriorated to the point of total lack of trust and confidence.

We call upon the whole international community, to act in line with the political realities of Cyprus and finally impress upon the Greek Cypriot administration of Southern Cyprus that it is not, it has never been and it will never be the government of the Turkish Cypriot people. Such a solid step by the international community will contribute immensely to the new process of face-to-face talks and the positive atmosphere created in Cyprus by the decision of the two leaders to make a fresh start. Otherwise, the Greek Cypriot side, which has been allowed to sail under the false banner of the "Government of Cyprus", will not concede the equal political status and sovereign rights of the Turkish Cypriot people, which is a prerequisite for reconciliation in Cyprus.

Please accept, Madam High Commissioner, the assurances of my highest consideration.

Tahsin Ertuğruloğlu
Minister of Foreign Affairs
and Defence

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